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March 9, 2007

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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit 1616

Attn: Mail Stop Amendment

Re:

U.S. Patent Application

Appln. No. 10/563,328; Filed: December 30, 2005

**Agrochemical Formulations** For:

Inventors: ROCHLING et al. Our Ref: 2400.0120000/VLC/BLS

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement under 37 C.F.R. § 1.97(b);
- 2. Form PTO/SB/08A (2 sheets);
- 3. Form PTO/SB/08B (1 sheet);
- 4. Copies of fourteen (14) cited references (documents FP1 FP12 and NPL1 NPL2);
- 5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents March 9, 2007 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bryan L. Skelton

Attorney for Applicants Registration No. 50,893

BLS/egw Enclosure(s)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RÖCHLING et al.

Appl. No.: 10/563,328

§ 371(c) Date: December 30, 2005

For: Agrochemical Formulations

Confirmation No.: 6764

Art Unit:

16.16

Examiner:

PRYOR, Alton Nathaniel

Atty. Docket: 2400.0120000/VLC/BLS

## **Information Disclosure Statement** under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents FP1 to FP12 and NPL1 to NPL2 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of the U.S. patents and a patent application publication cited on the attached Form PTO/SB/08A, documents US1 to US7, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, FP2 to FP5 and FP11, cited on Form PTO/SB/08A:

Document FP2, WO 88/06406 A1, is in the German language. An English language abstract of document FP2 can be found on the face page of the published patent application.

Document FP5, EP 0 681 865 A2, is in the German language. An English language equivalent of document FP5 is listed as document US4.

Documents **FP3** and **FP4** were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38. The search report is attached as document **NPL2** on the IDS Form, PTO/SB/08B.

Document FP11, WO 00/35278 A1, is in the German language. An English language abstract of document FP11 can be found on the face page of the published patent application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

RÖCHLING *et al.* Appl. No. 10/563,328

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This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bryan L. Skelton

Attorney for Applicants Registration No. 50,893

Date: MARCH 9, 2007

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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Substitute for form 1449/PTO

Sheet

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

of

(Use as many sheets as necessary)

2

Complete if Known				
Application Number	10/563,328			
§ 371(c) Date	December 30, 2005			
First Named Inventor	RÖCHLING, Andreas			
Art Unit	1616			
Examiner Name	PRYOR, Alton Nathaniel			
Attorney Docket Number	2400.0120000/VLC/BLS			

U.S. PATENT DOCUMENTS					
Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines,
Initials*	No.1	Number-Kind Code <sup>2 (If Known)</sup>	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear
	US1	4,415,355	11/15/1983	Cassell et al.	
	US2	5,476,845	12/19/1995	Reizlein et al.	
	US3	5,597,840	01/28/1997	Moore	
******	US4	5,705,476	01/06/1998	Hoffarth	
	US5	5,731,264	03/24/1998	Narayanan et al.	
	US6	6,602,823 B1	08/05/2003	Röchling et al.	
**********	US7	2003/0083201 A1	05/01/2003	Kobayashi	
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	FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document			
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			T <sup>6</sup>		
	FPI	EP 0 235 773 A1	09/09/1987	Celamerck GmbH & Co. KG			
	FP2	WO 88/06406 A1	09/07/1988	Agrolinz Agrarchemikalien Gesellschaft m.b.H.	Abs		
	FP3	EP 0 281 810 A1	09/14/1988	Agrolinz Agrarchemikalien Gesellschaft m.b.H.	ISR		
	FP4	EP 0 655 197 A1	05/31/1995	Bayer AG	ISR		
	FP5	EP 0 681 865 A2	11/15/1995	Bayer AG			
	FP6	WO 98/35553 A1	08/20/1998	Imperial Chemical Industries PLC			
	FP7	EP 0 933 025 A1	08/04/1999	American Cyanamid Company			
	FP8	WO 99/65301 A1	12/23/1999	Uniroyal Chemical Company, Inc.			
	FP9	EP 1 023 837 A2	08/02/2000	American Cyanamid Company			

Examiner	Date	
Signature	Considered	

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT BY APPLICANT

of

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Sheet

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Complete if Known				
Application Number	10/563,328			
§ 371(c) Date	December 30, 2005			
First Named Inventor	RÖCHLING, Andreas			
Art Unit	1616			
Examiner Name	PRYOR, Alton Nathaniel			
Attorney Docket Number	2400.0120000/VLC/BLS			

U.S. PATENT DOCUMENTS					
Examiner	Cite	Cite Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages
Initials	Initials No. No. Number-Kind Code <sup>2 (If Known)</sup>	WIWI-DD-TTTT	Applicant of Cited Document	or Relevant Figures Appear	
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Initials*	No.1	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	T <sup>6</sup>
	FP10	EP 1 025 757 A1	08/09/2000	American Cyanamid Company	
	FP11	WO 00/35278 A1	06/22/2000	Bayer Aktiengesellschaft	Abs
	FP12	WO 02/091828 A1	11/21/2002	ISP Investments Inc.	
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Examiner	Date	
Signature	Considered	

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	Application Number	10/563,328	
NFORMATION DISCLOSURE	§ 371(c) Date	December 30, 2005	
STATEMENT BY APPLICANT	First Named Inventor	RÖCHLING, Andreas	
(Use as many sheets as necessary)	Art Unit	1616	
(222	Examiner Name	PRYOR, Alton Nathaniel	
Sheet 1 of 1	Attorney Docket Number	2400.0120000/VLC/BLS	

	NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Initials* No. the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published		T <sup>2</sup>		
	NPL1	Dutzmann, S., et al., "HEC5725: A novel leaf-systemic strobilurin fungicide," The BCPC Conference: Pests & Diseases 1:365-370, British Crop Protection Council (November 2002)			
	NPL2	International Search Report for International Application No. PCT/EP2004/006673, European Patent Office, Netherlands, mailed November 24, 2004			
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Signature	Considered	

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